

EXHIBIT 1
TO
NOTICE OF REMOVAL



CT Corporation
Service of Process Notification

06/29/2023
CT Log Number 544183383

Service of Process Transmittal Summary

TO: Domeneque Perry
Protective Life Corporation
2801 HIGHWAY 280 S, 3-4 LE
BIRMINGHAM, AL 35223

RE: Process Served in Florida

FOR: Protective Life Insurance Company (Domestic State: TN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: SERENA MIDDLETON, ANDRE MIDDLETON, NELESHA MIDDLETON, AND NELTASHA MIDDLETON vs. PROTECTIVE LIFE INSURANCE COMPANY

CASE #: 2023006863CA01

NATURE OF ACTION: Insurance Litigation

PROCESS SERVED ON: C T Corporation System, Plantation, FL

DATE/METHOD OF SERVICE: By Electronic Receipt on 06/29/2023 at 00:00

JURISDICTION SERVED: Florida

ACTION ITEMS: CT has retained the current log, Retain Date: 06/30/2023, Expected Purge Date: 07/05/2023

Image SOP

Email Notification, Domeneque Perry

Email Notification, Julie Portera

Email Notification, Cary Wahlheim

Email Notification, Keshia Flowers

Email Notification, Autumn Fritsch

REGISTERED AGENT CONTACT: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324
877-564-7529
MajorAccountTeam2@wolterskluwer.com

REMARKS: Process received by Chief Financial Officer on 06/28/2023, and forwarded to C T Corporation System by electronic delivery on 06/29/2023

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



SERENA MIDDLETON, ANDRE MIDDLETON,
NELESHA MIDDLETON, AND NELTASHA
MIDDLETON

PLAINTIFF(S)

VS.

PROTECTIVE LIFE INSURANCE COMPANY

DEFENDANT(S)

SUMMONS, COMPLAINT, AMENDED CIVIL COVER SHEET

CASE #: 2023-006863-CA-01
COURT: 11TH JUDICIAL CIRCUIT
COUNTY: MIAMI-DADE
DFS-SOP #: 23-000313169

NOTICE OF SERVICE OF PROCESS

NOTICE IS HEREBY GIVEN of acceptance of Service of Process by the Chief Financial Officer of the State of Florida. Said process was received in my office by ELECTRONIC DELIVERY on Wednesday, June 28, 2023 and a copy was forwarded by ELECTRONIC DELIVERY on Thursday, June 29, 2023 to the designated agent for the named entity as shown below.

PROTECTIVE LIFE INSURANCE COMPANY
DONNA MOCH
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

***Our office will only serve the initial process (Summons and Complaint) or Subpoena and is not responsible for transmittal of any subsequent filings, pleadings, or documents unless otherwise ordered by the Court pursuant to Florida Rules of Civil Procedure, Rule 1.080.**

Jimmy Patronis
Chief Financial Officer

JP GONZALEZ-SIRGO, ESQ.
J.P. GONZALEZ-SIRGO, P.A.
804 S. DOUGLAS ROAD
SUITE 373
CORAL GABLES, FL 33134

DR1

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE 11 th JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.	
CIVIL DIVISION	CASE NUMBER: 2023-006863-CA-01
CIVIL ACTION SUMMONS Personal Service on a Natural Person (En Español al Dorso) (Français Au Verso)	
PLAINTIFF(S) SERENA MIDDLETON, ANDRE MIDDLETON, NELESHA MIDDLETON, and NELTASHA MIDDLETON	VS. DEFENDANT(S) PROTECTIVE LIFE INSURANCE CLOCK IN
To Defendant(s): PROTECTIVE LIFE INSURANCE	Address: FLORIDA INSURANCE COMMISSIONER AS REGISTERED AGENT, CAPITOL BUILDING SERVICE OF PROCESS SECTION 200 EAST GAINES STREET TALLAHASSEE, FL 32301
<p>A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint with the clerk of this court. A phone call will not protect you; your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or legal aid office (listed in the phone book).</p> <p>If you choose to file a written response yourself, at the same time you file your written response to the Court, located at:</p> <p style="text-align: center;">Miami-Dade County Courthouse Clerk of the Courts Room 138 73 West Flagler Street Miami, Florida 33130</p> <p>Additional Court locations are attached to the back of this form.</p> <p>You must also mail or take a copy of your written responses to the "Plaintiff/Plaintiff's Attorney" named below.</p>	
Plaintiff/Plaintiff's Attorney: Law Office J. P. Gonzalez-Sirgo, P.A. 814 Ponce De Leon, Suite 504 Coral Gables, Florida 33134	Address: Law Office J. P. Gonzalez-Sirgo, P.A. 814 Ponce De Leon, Suite 504 Coral Gables, Florida 33134
TO EACH SHERIFF OF THE STATE OF FLORIDA: You are commanded to serve this Summons and a copy of the Complaint of this lawsuit on the above named defendant.	
LUIS G. MONTALDO, CLERK AD INTERIM, CIRCUIT AND COUNTY COURTS CLERK OF COURTS	
3/25/2023	COURT SEAL
BY: <u>Calebia Sutton</u> 38213 DEPUTY CLERK	



IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 Días, contados a partir de recibir de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, puede perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, usted puede consultar a un abogado inmediatamente. Si no conoce a un abogado, aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, usted debería enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff" Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour répondre une réponse écrite a la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant protéger à vous. Vous êtes obligé de répondre votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne réponde pas votre réponse écrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques qu'vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à

l'annuaire de téléphones).

Si vous choisissez de répondre vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

SERENA MIDDLETON, ANDRE
MIDDLETON, NELESHA MIDDLETON,
and NELTASHA MIDDLETON,

CASE NUMBER: 2023-006863-CA-01

Plaintiffs,

CIRCUIT CIVIL DIVISION

v.

PROTECTIVE LIFE INSURANCE
COMPANY,

Defendant.

COMPLAINT FOR BREACH OF CONTRACT and DEMAND FOR JURY TRIAL

The Plaintiffs, SERENA MIDDLETON, ANDRE MIDDLETON, NELESHA MIDDLETON, and NELTASHA MIDDLETON (hereinafter "Plaintiffs"), by and through the undersigned attorney, sue the Defendant, PROTECTIVE LIFE INSURANCE COMPANY, (hereinafter "Defendant"), and alleges:

1. Plaintiff, SERENA MIDDLETON, resides in West Park, Florida.
2. Plaintiff, ANDRE MIDDLETON, resides in Draper, Utah.
3. Plaintiff, NELESHA MIDDLETON, resides in Fort Lauderdale, Florida.
4. Plaintiff, NELTASHA MIDDLETON, resides in Margate, Florida.
5. Defendant, PROTECTIVE LIFE INSURANCE COMPANY, is a foreign for profit corporation authorized to and does conduct insurance business within Miami-Dade County, Florida.
6. The insurance policy at issue was delivered in Miami-Dade County, Florida.
7. This is an action for damages for more than \$50,000, exclusive of interest, costs, and attorney's fees.

8. Nelson Middleton is the insured under a life insurance policy (hereinafter “subject policy”) with Defendant.

9. The policy number for the subject policy is ZL9516916.

10. Nelson Middleton designated, as his beneficiaries under the subject policy with Defendant, “all children of the insured 100%”.

11. Plaintiffs are the adult children of Nelson Middleton.

12. Nelson Middleton passed away on February 15, 2021.

13. A copy of the subject certified policy was requested of Defendant but not provided.

14. Upon production by Defendant of the subject certified copy same will be filed under a separate notice of filing.

15. Plaintiffs have claimed from Defendant, for payment under the subject policy, the full policy limits owed under the subject policy.

16. At all times material the subject policy of insurance was in full force and effect.

17. All conditions precedent of said subject policy and conditions precedent to bringing this action have been performed or have occurred.

18. Alternatively, Defendant has waived certain conditions or is estopped from asserting said conditions.

19. Plaintiffs have demanded of Defendant that it pay Plaintiffs’ full policy limits, according to the terms of the subject policy and Florida law.

20. Defendant has failed to pay the full policy limits to Plaintiffs as mandated by the terms of the subject policy and Florida law.

21. Therefore, Defendant has breached the subject policy of insurance.

22. As a result of the breach, Plaintiffs have suffered damages.

23. Plaintiffs are entitled to attorney's fees pursuant to F.S. 627.428 and/or 626.9373 and/or any other legal basis and demand is hereby made for same.

WHEREFORE, Plaintiffs demand judgment against the Defendant for A) damages; B) pre-judgment interest; C) attorney’s fees and costs; D) and any other further relief this Honorable

Court may deem just and proper.

PLAINTIFFS' DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial in this action.

NOTICE OF PROVIDING EMAIL ADDRESSES

PLEASE TAKE NOTICE that the following email addresses are to be used for mandatory electronic service pursuant to Florida's Rule of Judicial Administration Rule 2.516:

eservice@yourattorneys.com.

J. P. Gonzalez-Sirgo, P.A.
Attorney at Law
814 Ponce De Leon Blvd.
Suite 504
Coral Gables, Florida 33134
Office Main: (305) 461-1095
J.P. Direct: (786) 272-5841
J.P. Email: jp@yourattorneys.com
Email Service: eservice@yourattorneys.com

/s/ J. P. Gonzalez-Sirgo, Esq.
F.B.N. 11894
Attorney for Plaintiff

FORM 1.997. AMENDED CIVIL COVER SHEET (AMENDED AS TO AMOUNT OF CLAIM)

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT/COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Serena Middleton, Andre Middleton, Nelesha Middleton, Neltasha Middleton

Plaintiff

Case # _____

Judge _____

vs.

PROTECTIVE LIFE INSURANCE COMPANY

Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- ☐ \$8,000 or less
☐ \$8,001 - \$30,000
☐ \$30,001- \$50,000
\$50,001- \$75,000
☐ \$75,001 - \$100,000
☒ over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- ☐ Condominium
- ☒ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence
- ☐ Negligence—other
 - ☐ Business governance
 - ☐ Business torts
 - ☐ Environmental/Toxic tort
 - ☐ Third party indemnification
 - ☐ Construction defect
 - ☐ Mass tort
 - ☐ Negligent security
 - ☐ Nursing home negligence
 - ☐ Premises liability—commercial
 - ☐ Premises liability—residential
- ☐ Products liability
- ☐ Real Property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☐ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☐ Small Claims up to \$8,000
- ☐ Civil
- ☐ Real property/Mortgage foreclosure

- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential Evictions
- ☐ Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

IV. REMEDIES SOUGHT (check all that apply):

- ☒ Monetary;
- ☐ Nonmonetary declaratory or injunctive relief;
- ☐ Punitive

V. NUMBER OF CAUSES OF ACTION: []
(Specify)

1

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- ☐ yes
- ☒ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- ☒ no
- ☐ yes If "yes," list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- ☒ yes
- ☐ no

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

- ☐ yes
- ☒ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ J.P. Gonzalez-Sirgo
Attorney or party

Fla. Bar # 11894
(Bar # if attorney)

J.P. Gonzalez-Sirgo
(type or print name)

03/20/2023
Date